

TENTATIVE RULINGS

CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR

For: 3/16/2009 Monday Dept: 1A

(Posted 3/12/09)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

1. **1:00 PM** Case: CV19253 [S] SOUZA v ARBOUR
Type: QUIET TITLE Date Filed: 05/21/93
At-Issue Date: 00/00/00 Trial: 11/13/08 COURT TRIAL - SHORT CAUSE
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV33961 ,
PLNTFF: SOUZA, NORMAN J. ATTY: AIROLA & AIROLA
PLNTFF: SOUZA, DULCENIA S. ATTY: AIROLA & AIROLA
DEFNDT: ARBOUR, ROGER M. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
DEFNDT: ARBOUR, SHEILA M. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.

Tentative Ruling: The pending motion to enforce judgment is set in Department 1 at 9:00 AM on May 13, 2009.

2. **1:00 PM** Case: CV30832 [S] RIBEIRA v REXINGER
Type: QUIET TITLE Date Filed: 07/30/04
Event: COURT'S MOTION TO DISMISS PURSUANT TO
CRC 3.1385

PLF/XD: RIBEIRA, GARY ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 00/00/00 Answer Date: 10/29/04
PLF/XD: RIBEIRA, DEBBIE ATTY: FOLEY, LAW OFFICES OF KENNETH
Service Date/Type: 00/00/00 Answer Date: 10/29/04
DEF/XC: REXINGER, MARSHALL ATTY: BELZER & CARR LLP
Service Date/Type: 08/30/04 NAR Answer Date: 10/05/04
DEF/XC: REXINGER, ELISE ATTY: BELZER & CARR LLP
Service Date/Type: 08/30/04 NAR Answer Date: 10/05/04

Tentative Ruling: The judgment was filed and the matter is dropped from the case management calendar.

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3. 1:00 PM Case: CV33187 [S] DECOQUE v MCKEEMAN/PEASLEE
Type: DEBT/PROMISSORY NOTE Date Filed: 11/09/06
Priority Info: STAYED-BANKRUPTCY
Event: FURTHER CASE MANAGEMENT CONFERENCE
STATUS OF BANKRUPTCY

PLNTFF: DECOQUE, J TROY ATTY: FOLEY, KENNETH M ESQ
PLNTFF: DECOQUE, JULIE ATTY: FOLEY, KENNETH M ESQ
DEFNDT: MCKEEMAN, GARY LEE
Service Date/Type: 12/05/06 PER 00/00/00
DEFNDT: PEASLEE, LAURA RENEE
Service Date/Type: 12/05/06 PER 00/00/00

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 7/20/09.

4. 1:00 PM Case: CV34488 [S] BUREAU VERITAS v DEVELOPERS MARINA RID
Type: BREACH OF CONTRACT Date Filed: 03/07/08
Event: FURTHER CASE MANAGEMENT CONFERENCE
Event: CONTINUED OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: BUREAU VERITAS NORTH AMERICA INC ATTY: TURNER LIU LLP
DEFNDT: DEVELOPERS MARINA RIDGE
DEFNDT: MARINA RIDGE LLC
DEFNDT: DOUBINSKI, LEONID

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 7/20/09.

5. 1:00 PM Case: CV34957 [S] DOYLE v SAFECO INS CO, ETAL
Type: BREACH OF CONTRACT Date Filed: 07/31/08
Event: FURTHER CASE MANAGEMENT CONF-CIVIL
Event: CONT'D OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: DOYLE, ROBERT ATTY: BAKOS & ASSOCIATES INC, ANDRE
DEFNDT: SAFECO INSURANCE COMPANY OF AMERI
Service Date/Type: 09/22/08 PER 00/00/00
DEFNDT: KOOPMANN, ROBERT L.
I/DBA: ADOBE PLAZA
DEFNDT: KOOPMANN, THELMA E.
I/DBA: ADOBE PLAZA

Tentative Ruling: This matter was previously removed to Federal Court. The matter is set for Court's Motion to Dismiss in Dept. 1A at 1:00 PM on 5/18/09.

6. 1:00 PM Case: CV35184 [S] DONLEN v FORD MOTOR COMPANY
Type: BREACH OF CONTRACT Date Filed: 10/21/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: DONLEN, GREG ATTY: LEMON LAW ASSOCIATES OF CALIF
DEFNDT: FORD MOTOR COMPANY ATTY: TULLY, LAW OFFICES OF KEVIN J
Service Date/Type: 00/00/00 Answer Date: 11/19/08

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties MAY stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial Setting is set in Dept. 1A at 1:00 PM on 8/17/09.

7. 1:00 PM Case: CV35196 [S] PRESTON v STARBUCKS CORPORATION
Type: PI-NON MOTOR VEHICLE Date Filed: 10/29/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: PRESTON, BILLIE ATTY: DREYER BABICH BUCCOLA & CALLA
DEFNDT: STARBUCKS CORPORATION ATTY: POWERS & MILLER
Service Date/Type: 11/05/08 PER Answer Date: 11/24/08

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 8/17/09.

8. 1:00 PM Case: CV35211 [S] MORMON CREEK CO v DENI
Type: BREACH OF CONTRACT Date Filed: 11/04/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: MORMON CREEK CO INC ATTY: DAMBACHER TRUJILLO & WRIGHT
DEFNDT: DENI, JAMES
Service Date/Type: 11/05/08 PER 00/00/00
DEFNDT: DENI, SUSAN
Service Date/Type: 11/05/08 PER 00/00/00
DEFNDT: MALENA, SHERIE LYNN ATTY: IN PRO PER
Service Date/Type: 11/05/08 PER Answer Date: 11/26/08

Tentative Ruling: The case is At-Issue and referred to Judicial Arbitration on a 60 day delay. The parties MAY stipulate to mediation in lieu of arbitration. Discovery to remain open until 30 days prior to trial. Trial Setting is set in Dept. 1A at 1:00 PM on 8/17/09.

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9. 1:00 PM Case: CV35217 [S] HERTZIG v C&D TRUCKING INC
Type: P.D. MOTOR VEHICLE Date Filed: 11/05/08
Priority Info: 170.6 DVM
Event: CASE MANAGEMENT CONFERENCE-CIVIL
170.6 DVM

PLNTFF: HERTZIG, JOHN W ATTY: FOLEY, LAW OFFICES OF KENNETH
DEFNDT: C & D TRUCKING INC ATTY: TRIMBLE SHERINIAN VARANINI
Service Date/Type: 12/29/08 NAR Answer Date: 02/11/09

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 8/17/09.

10. 1:00 PM Case: CV35218 [S] MCNABB v CHAND/SINGH
Type: BREACH OF CONTRACT Date Filed: 11/05/08
Event: CASE MANAGEMENT CONFERENCE-CIVIL
Event: CONT'D OSC RE: FILING COMPLIANCE
VACATE IF ALL POS/ANSWERS ARE FILED

PLNTFF: MCNABB, LEE OTIS ATTY: FOLEY, LAW OFFICES OF KENNETH
DEFNDT: CHAND, SHANA
DEFNDT: SINGH, KULDEEP

The plaintiff has not filed a proper Proof of Service as to all named defendants. Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 7/20/09.

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11. **2:00 PM** Case: CV32276 [S] THORNBURG v THORNBURG
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/27/05
At-Issue Date: 00/00/00 Trial: 01/22/09 COURT TRIAL - SHORT CAUSE
Event: FURTHER CASE MANAGEMENT CONF RE JUDGMENT
04/02/09 9:00 1 COURT TRIAL ON REMAINING ISSUES

PETNR: THORNBURG, MANDY ATTY: COTTRELL, STEVEN J ESQ
RESP: THORNBURG, MICHAEL J. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 01/11/06 PER Answer Date: 01/18/06
CLAMNT: CALIFORNIA PUBLIC EMPLOYEES RETIR

Tentative Ruling: The court trail scheduled for 4/2/09 is confirmed. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/15/09.

12. **2:00 PM** Case: CV33818 [S] SMITHERS v SMITHERS
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 06/19/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

Related cases NOT on this calendar: CV34141 ,
PETNR: SMITHERS, BRIDGET ATTY: IN PRO PER
RESP: SMITHERS, RICHARD P.

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear. Failure to appear at the hearing will result in dismissal of the action.

13. **2:00 PM** Case: CV33903 [S] KUBITZ v KUBITZ
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/19/07
Priority Info: TRANSFER IN FROM SAN JOAQUIN
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: KUBITZ, NED ATTY: HAKEEM ELLIS & MARENGO
RESP: KUBITZ, SHERYL ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 00/00/00 Answer Date: 12/03/07
NKA: HEADRICK, CHERYL

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 3:00 PM in Dept. 1A on 5/18/09.

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14. 2:00 PM Case: CV33977 [S] OLSEN v OLSEN
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/14/07
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: OLSEN, DIANE A ATTY: WOOD, DARLENE D ESQ
RESP: OLSEN, CARL S ATTY: IN PRO PER
Service Date/Type: 08/21/07 PER Answer Date: 08/28/07

Tentative Ruling: The matter is set for Settlement and Trial Setting Conference (See Local Rule 5.9(b)) with Settlement Conference Statements due 5 court days prior to hearing at 3:00 PM in Dept. 1A on 5/18/09.

15. 2:00 PM Case: CV34286 [S] BEATTY v LOPEZ
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/12/07
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: BEATTY, LISA M ATTY: IN PRO PER
RESP: LOPEZ, JOHN A P-36529 A2-228L ATTY: IN PRO PER
Service Date/Type: 12/28/07 PER Answer Date: 02/22/08

Tentative Ruling: Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 7/20/09.

16. 2:00 PM Case: CV34308 [S] STRAHORN v EVANS
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 12/20/07
At-Issue Date: 00/00/00 Trial: 11/06/08 COURT TRIAL - SHORT CAUSE
Priority Info: CONFIDENTIAL FILE
Event: FURTHER CASE MANAGEMENT CONFERENCE

Related cases NOT on this calendar: CV19626 , CV22083 ,
PETNR: STRAHORN, DAVID N ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: STRAHORN MINORS P.D.: RUSSO (P.D.), ARLEEN ESQ.
RESP: EVANS, BARBARA ATTY: IN PRO PER
Service Date/Type: 01/02/08 PER 00/00/00

Tentative Ruling: A final custody determination was entered 11/6/08. The parties should prepare a judgment and submit it to the court. There will be no further case management conference at this time.

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17. 2:00 PM Case: CV34601 [S] BETZ-MIKITA v MIKITA
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 04/11/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW
04/07/09 9:00 1 PETNR'S MOTION RE: CHILD CUSTODY &
CHILD SUPPORT

PETNR: BETZ-MIKITA, CARRIE L ATTY: CALDERWOOD, BRUCE G ESQ
RESP: MIKITA, PAUL A ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 09/12/08 PER Answer Date: 10/03/08

Tentative Ruling: Respondent has failed to file timely disclosures. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/15/09.

18. 2:00 PM Case: CV34867 [S] BERNDT v BERNDT
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/11/08
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: BERNDT, LUANN K. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
RESP: BERNDT, DAVID C.
Service Date/Type: 08/01/08 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 6/15/09.

19. 2:00 PM Case: CV34873 [S] QUONTAMATTEO v QUONTAMATTEO
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/15/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: QUONTAMATTEO, NANCY MARIE ATTY: IN PRO PER
RESP: QUONTAMATTEO, RICHARD JAMES
Service Date/Type: 07/18/08 PER 00/00/00

Tentative Ruling: There is Proof of Service but no Response (FL-120) or Default (FL-165). Prior to the next CMC, unless a Response is filed, Petitioner must file the Request for Default or dismiss the action. The CMC is set for Dept 1A at 2:00 PM on 6/15/09.

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20. 2:00 PM Case: CV34977 [S] DORFLINGER v DORFLINGER
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 08/08/08
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: DORFLINGER, GLENN ATTY: CALDERWOOD, BRUCE G ESQ
RESP: DORFLINGER, JUNE ATTY: CHAVEZ-OCHOA LAW OFFICES INC.
Service Date/Type: 08/19/08 PER Answer Date: 09/12/08

Tentative Ruling: A judgment has entered on child custody and support. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/15/09.

21. 2:00 PM Case: CV35224 [S] JUSTICE v JUSTICE
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 11/10/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

Related cases NOT on this calendar: CV35413 ,
PETNR: JUSTICE, DEBRA ATTY: IN PRO PER
RESP: JUSTICE, DAVID

Tentative Ruling: The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/15/09.

22. 2:00 PM Case: CV35236 [S] BYOUS v BYOUS
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/17/08
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW
04/07/09 11:00 1 DEFAULT OR UNCONTESTED JUDGMENT

PETNR: BYOUS, SCOTT DOUGLAS ATTY: IN PRO PER
RESP: BYOUS, DARCI LYNN
Service Date/Type: 11/20/08 PER 00/00/00

Tentative Ruling: The default hearing on 4/7/09 is confirmed. If a final Judgment (FL-180) on all issues is on file prior to the next Case Management hearing the Case Management hearing will be vacated. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 6/15/09.

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23. 3:00 PM Case: CV35022 [S] BARRIOS v DAUVET
Type: PETITION FOR CUSTODY & SUPPORT Date Filed: 08/27/08
Priority Info: CUSTODY/VISITATION BIFURCATED
Event: SETTLEMENT CONFERENCE/TRIAL SETTING RE P= 1
BIFURCATED CUSTODY AND VISITATION;
RETURN ON MEDIATION

Related cases on this calendar: CV28673 ,
Related cases NOT on this calendar: C13532 , CV35096 ,
PETNR: BARRIOS, JESUS ATTY: IN PRO PER
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: BARRIOS MINOR
RESP: DAUVET, MICHELE ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 09/06/08 PER 00/00/00

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

24. 3:00 PM Case: CV28673 [S] COUNTY OF CALAVERAS v BARRIOS
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 07/03/02
Priority Info: CUSTODY/VISITATION BIFURCATED
Event: SETTLEMENT CONFERENCE/TRIAL SETTING RE P= 2
BIFURCATED CUSTODY AND VISITATION;
RETURN ON MEDIATION

Related cases on this calendar: CV35022 ,
Related cases NOT on this calendar: C13532 , CV35096 ,
PLNTFF: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT
MINOR: DAUVET MINOR
CUS.PAR DAUVET, MICHELE ATTY: SALAZAR, ANTHONY T. ESQ
Service Date/Type: 07/16/02 MAI 00/00/00
DEFNDT: BARRIOS, JESUS J.
Service Date/Type: 10/26/03 PER 00/00/00

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

25. 3:00 PM Case: CV34484 [S] PATTON v BUTTON
Type: LEGAL SEPARATION WITH MINOR CH Date Filed: 03/05/08
Priority Info: CONS W/CV34979 - CV34484 LEAD
Event: FURTHER SETTLEMENT CONFERENCE/TRIAL
SETTING; RETURN ON MEDIATION

Related cases NOT on this calendar: CV34673 , CV34979 ,
PETNR: PATTON, KRISTEN N. ATTY: IN PRO PER
RESP: BUTTON, RANDY T. ATTY: SALAZAR, ANTHONY T. ESQ

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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26. 3:00 PM Case: CV35065 [S] GANAS v GANAS SR.
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 09/12/08
Event: SETTLEMENT CONFERENCE/TRIAL SETTING

Related cases NOT on this calendar: CV33268 ,
PETNR: GANAS, THERESA A. ATTY: MOORE, ROBERT G. ESQ
RESP: GANAS, DAVID A. SR. ATTY: PAGE, HELEN O. ESQ
Service Date/Type: 09/23/08 PER Answer Date: 10/24/08

Tentative Ruling: The parties failed to file timely disclosures. Petitioner is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 2:00 PM on 5/18/09.